

AGENDA

**BOARD OF COMMISSIONERS
315 WEST SECOND STREET
FRANKFORT, KY 40601
502/875-8500**

**JANUARY 23, 2006
5:30 P.M.**

1. **INVOCATION**

Reverend Keith McAliley, Bridgeport
Christian Church

**PLEDGE OF ALLEGIANCE
ROLL CALL**

John Hammond

MINUTES

December 12, 2005 Work Session;
December 15, 2005 Special Meeting;
December 28, 2005 Special Meeting.

MAYOR'S REPORT

2. **CEREMONIAL ITEMS**

2.1 Employee Recognition

Background: The Board of Commissioners traditionally recognizes City employees who have received promotions within the various City departments. At this meeting, the following individuals will be in attendance:

Fire Department

- Eddie Slone for promotion to Battalion Chief
- Tim Warman for promotion to Captain
- Rich McKenna for promotion to Lieutenant
- John McNally for promotion to Sergeant

3. **ORDINANCES**

3.1 **SECOND READING:** An Ordinance amending Ordinance No. 8, 2005 Series, regulating illicit discharge controls.

Purpose: To amend the Illicit Discharge Ordinance that was adopted by the City of Frankfort in April 2005.

Background: The U.S. Environmental Protection Agency (EPA) developed the National Pollution Discharge Elimination System (NPDES) stormwater permitting program as part of the 1972 Clean Water Act. Under the Phase II Stormwater Program authorized by the Act, the City of Frankfort and the Franklin County Fiscal Court are required to adopt the following stormwater ordinances:

1. Erosion Protection and Sediment Control
2. Illicit Discharge
3. Post Construction Stormwater Management

The City of Frankfort adopted the Ordinances in April 2005. The Illicit Discharge Ordinance prohibits sanitary sewer, pollutants, and hazardous substances from entering the separated storm system or waters of the Commonwealth. If a violation is discovered, the city shall provide a written notice of violation. The notice of violation to the responsible party is subject to the Enforcement Section (Section 8) of the Illicit Discharge Ordinance. If the violator fails to remediate the violation within the established

deadline, the remediation work will be done by the city or its designated contractor and the cost shall be charged to the violator.

Staff recommends removing the appeals process in Section 8 through the Code Enforcement Board. The revised Ordinance would still allow the violator to appeal the abatement cost through the Board of Commissioners and ultimately to the Franklin Circuit Court.

Financial Analysis: Funds for implementation of the Phase II Permit are available in the Public Works Advisory Technical Budget (Account#100.61.53210). However, it should be noted that funding options to finance the un-funded Phase II Stormwater mandate will be presented to the Board at a later date.

Recommendation: Approval

Attachments:

- Ordinance

Contact Person

Name: Jeff Hackbart
Title: Director of Public Works
Department: Public Works
Phone: 352-2091
E-Mail: jhackbrt@fewpb.com

4. **ORDERS**

- 4.1 An Order approving match funding for a coordinated Transportation and Land Use Plan to be conducted by Bluegrass Area Development District for the central bluegrass region.

Purpose: The purpose of this item is to commit match funds to permit going forward with the Regional Transportation Study as proposed by Bluegrass Development District (Public Works).

Background: The transportation planning in the Bluegrass Region is becoming an increasingly important issue. The region's economic vitality depends upon its ability to efficiently move people and goods. That mobility is becoming impaired by traffic congestion resulting from rapid growth and the absence of a truly regional vision to provide mobility.

The Bluegrass Area Development District has proposed a \$950,000 regional transportation study to be 90 % funded by state funds and a 10% match by participating cities and counties. Franklin County Fiscal Court and the City of Frankfort have been asked to provide \$4,399.10 each as part of the 10% local match.

Financial Analysis: Funds in the amount of \$4,299.10 are available in the Advisory Technical Account (#100-61-53210) for the City's match in the regional Transportation Study.

Recommendation: Approval

Attachments:

- Order
- Anthony Massey letter dated 1/11/06

Contact Person

Name: Jeff Hackbart
Title: Director
Department: Public Works
Phone: (502) 875-8563
E-mail: jhackbrt@fewpb.com

5. **RESOLUTIONS**

None

6. **CONSENT CALENDAR**

Items on the Consent Calendar are considered to be routine by the Board of Commissioners and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Board member so requests, in which event the item will be removed from the Consent Calendar and considered separately. The City Manager will read the items recommended for approval.

6.1 To consider approval of the Sports Rates Schedule for 2006 (Parks and Recreation).

Purpose: The purpose of this item is to consider approving the sports rates schedule for the Parks and Recreation Department for the 2006 season.

Background: At the December 15, 2005 Parks and Recreation Advisory Board meeting, the Board recommended the following rate changes for the 2006 season: City Wide Van Tours from \$3.00 to \$5.00 for adults and \$3.00 for children under 12 years of age; Murder and Mayhem Tours from \$5.00 per person to \$7.00 per person; Frankfort Area Swim Team Pool Rental (Annual Swim Meet) from \$750.00 to \$1,000.

All other rates would remain the same as the 2005 season.

Attachment:

- Proposed 2006 Rate Schedule

Recommendation: Approval.

Contact Person

Name: Steve Brooks
Title: Director
Department: Parks, Recreation and Historic Sites
Phone: 502-875-8575
E-Mail: SBrooks@fewpb.com

6.2 To consider authorizing an agreement with the Kentucky State Police for the use of the firing range (Police).

Purpose: The purpose of this item is to enter into an agreement with the Kentucky State Police for the use of the firing range outlined in the attached "Agreement for Use of Firing Range" between the City of Frankfort and the Kentucky State Police.

Background: This agreement enables the Kentucky State Police to utilize the City of Frankfort firing range for training of personnel, cadets and troopers. Kentucky State Police has agreed to provide insurance. This contract is contingent upon Kentucky State Police providing proof of insurance in the amount of \$1,000,000 per occurrence and \$2,000,000 aggregate. Frankfort Police Department will be responsible for the administration of this agreement.

Recommendation: Approval

Attachments:

- Agreement
- Firing Range Standard Operating Procedures
- Kentucky State Police correspondence

Contact Person:

Name: Walter M. Wilhoite
Title: Chief of Police
Department: Police
Phone: (502) 875-8523
E-Mail: mwilhoite@fewpb.com

- 6.3 To consider authorization to pay Property Valuation Administrator (PVA) for 2005 City of Frankfort Property Tax Assessment (Finance).

Purpose: The purpose of this item is to pay the PVA for use of county assessment for 2005 City of Frankfort ad valorem tax purposes.

Background: There is an annual fee as established by KRS 132.285 for the use of county assessment services for determining the 2005 City ad valorem tax values.

Financial Analysis:	<u>2005-2006 Budget</u>	<u>Request</u>
	\$40,000	\$40,000

Funds available in Account No. 100-50-53295.

Recommendation: Approval

Attachments:

- Invoice from Patsy Conway, Franklin County PVA

Contact Person:

Name: James C. Rogers
Title: Consultant
Department:
Phone: 502/875-8500
E-Mail: Jrogers@fewpb.com

- 6.4 To consider authorizing filing of the Intent to Apply form for Transportation Enhancement Funds, and authorize the Mayor to sign all grant-related documents (Public Works).

Purpose: The purpose of this item is to apply for Transportation Enhancement funding through the Kentucky Transportation Cabinet and authorize the Mayor to sign all grant-related documents.

Background: Local governmental agencies are eligible to apply for Transportation Enhancement (TE) project funding through the Kentucky Transportation Cabinet for projects that will serve a public purpose. Intent to Apply application must be submitted by the city prior to 1-31-06 in order to be considered. Once funding is awarded, the local agency is required to solicit public support for the project, obtain the required match, administer the project, and identify the project in its annual audit.

There are twelve eligible enhancement activities ranging from environmental mitigation to historic preservation. The city intends to apply for pedestrian and bicycle facilities that will be identified in the upcoming master plan.

If the project appears to meet the eligibility requirements, the Transportation Cabinet will invite the applicant to submit a full grant application.

Financial Analysis: Matching funds will be identified in the upcoming 2006-2007 Budget.

Recommendations: Approval

Attachments:

- Intent to Apply Form

Contact Person

Name: Jeff Hackbart
 Title: Director
 Department: Public Works
 Phone: (502) 875-8563
 E-mail: jhackbrt@fewpb.com

- 6.5 To consider approval of agreement for 2006 Kentucky Changers Project and authorize the Mayor to execute agreement (Planning and Building Codes).

Purpose: The purpose of this item is to approve an agreement with Kentucky Changers to make minor improvements to approximately six (6) low to moderately low single-family homes (non-rental) within the City limits.

Background: This is an ongoing community project that the City assists in order to improve the quality of life for those within the City limits of Frankfort.

On September 2004, the City Commission approved an agreement with the Kentucky Changers with a not to exceed amount of \$13,000. In July of 2005 the City and the Kentucky Changers were able to assist eight (8) homes at the cost of approximately \$11,455 from the Frankfort Housing Corporation Account (Old Urban Renewal Program).

The Kentucky Changers program assists owner-occupied residences on needed repairs within the city. The program has historically run for two consecutive years, then absent one year, and return for two consecutive years. However, in 2005, they were not able to secure arrangements with the local school board and now work out of Lawrenceburg. Due to this relocation, fewer homes will be able to be addressed within the City of Frankfort. 2006 is the off year for the city; however, the Changers have offered to assist within the city for about six (6) homes during July 2006.

The invoices from the Changers will contain the materials and address for each site at time submitted to ensure accountability and limited to those only within the City of Frankfort.

Financial Analysis: \$10,000 will be ear marked from the Frankfort Housing Corporation Account (Old Urban Renewal Program) - #540-00-51100. Balance as of November 30, 2005 was \$45,804.18.

Recommendation: Approval

Attachments:

- Proposed Agreement

Contact Person

Name: Gary Muller
 Title: Director of Planning and Building Codes
 Department: Planning and Building Codes
 Phone: (502) 352-2100
 E-mail: Gmuller@fewpb.com

- 6.6 To consider authorization of a bid award to US Filter Davis Process for the purchase of Bioxide® for odor control and pipe corrosion in the pump stations and collection system.

Purpose: The purpose of this item is to consider a bid award to US Filter Davis Process for the purchase of Bioxide® for odor control and pipe corrosion in the pump stations and collection system.

Background: In 1994 the Sewer Department began using Bioxide® as a chemical means of controlling

odors in pump stations and corrosion in concrete pipes in the collection system. Bioxide® is a patented product and cannot be bid due to territorial restrictions by distributors. The unit price for the product is \$1.75 per gallon and has remained unchanged for over 5 years. The Sewer Department uses approximately 20,000 gallons per year throughout the system for a total expenditure of approximately \$35,000 annually.

Financial Analysis: Funding is available in the amount of \$35,000 in account # 300.68.56550.

Recommendation: Approval

Attachments:

- Patent Statement

Contact Person

Name: William R. Scalf, Jr., PE
Title: Director
Department: Sewer
Phone: 875-2448
Email: wscalf@fewpb.com

6.7 To consider awarding the bid for sports equipment for the 2005-2006 season (Parks & Recreation)

Purpose: The purpose of this item is to award the bid for sports equipment for the 2005-2006 season.

Background: This is an annual bid process in which Parks and Recreation orders baseballs, catcher's face masks, leg guards, chest protectors, catchers mitts, batting helmets, batters tees, softballs, volleyball nets and balls, tennis nets and tennis balls, etc. These items are used for the youth baseball and softball leagues as well as the adult softball leagues, tennis and volleyball leagues. Bids were sent to four vendors with only one vendor responding. It is recommended that Shively Sporting Goods of Louisville, Kentucky receive the bid award in the amount of \$34,722.24.

Financial Analysis: The total bid price is \$34,722.24. There is \$51,624 remaining in the account 100.81.54390.

Recommendation: Approval

Attachments:

- Bid Evaluation
- Bid response from Shively Sporting Goods

Contact Person

Name: Steve Brooks
Title: Director
Department: Parks & Recreation
Phone: 875-8575
E-Mail: Sbrooks@fewpb.com

6.8 To consider authorizing Requests for Proposals to design, reconstruct and install a reproduction of the historic marquee and blade sign to be placed on the Grand Theatre building located at 308 St. Clair Street.

Purpose: To authorize Requests for Proposals to design, reconstruct and install a reproduction of the historic marquee and blade sign to be placed on the Grand Theatre building located at 308 St. Clair Street.

Background: The Board of Commissioners authorized a Renaissance Grant application by Resolution on August 22, 2005. This \$75,000 grant request is to reconstruct and install a reproduction of the marquee that

once was located on the Grand Theatre. The City was notified on November 2005 that the grant had been awarded.

Financial Analysis: Funds are available on a reimbursement basis.

Recommendation: Approval

Attachments:

- Proposed bid documents

Contact Person:

Name:	Jo Shockley	Ramona Newman
Title:	Consultant	City Clerk
Department:	City Manager	City Manager
Phone:	502/875-8500	502/875-8500
E-Mail:	jshockley@fewpb.com	rnewman@fewpb.com

6.9 To consider approval of a Memorandum of Understanding with the Commonwealth of Kentucky, Finance and Administration and Transportation Cabinets.

Background: When the state excavated the site for construction of the new Transportation Cabinet building, an unknown cemetery was uncovered. The City would like to reinter the 273 antiquities recovered from the cemetery, and have been examined by the University of Kentucky.

Financial Analysis: Cost estimated to be approximately \$1,000.00. This will enhance our Ft. Hill Park, since these antiquities are prior to 1864. There will be some incidental costs associated with grading (Account No. 85-54325).

Recommendation: Approval.

Attachments:

- Memorandum of Understanding

Contact Person:

Name:	Steve Brooks
Title:	Director
Department:	Parks, Recreation and Historic Sites
Phone:	865-8575
E-Mail:	SBrooks@fewpb.com

6.10 Personnel

<u>Personnel Action</u>	<u>Employee</u>	<u>Department</u>	<u>Effective Date</u>	<u>Other</u>
Appointment	Angie R. Willoughby	Planning & Zoning	1/24/06	Electrical Inspector
Promotion	Eddie Slone	Fire	1-24-06	To Battalion Chief from Captain
	Tim Warman	Fire	1-24-06	To Captain from Lieutenant
	Rich McKenna	Fire	1-24-06	To Lieutenant from Sergeant
	John McNally	Fire	1-24-06	To Sergeant from Firefighter

7. BOARD APPOINTMENTS

8. OLD BUSINESS

8.1 To consider awarding a bid and deduct change order for the Holmes Street Drainage Project, Contract 1 East Main Outlet (EMO) and Trunk Storm Sewer (Public Works).

Purpose: The purpose of this item is consider a bid award and a deduct change order for the East Main Outlet Project to Affholder, Inc.

Background: The City Commission authorized staff to advertise the EMO Project in September of 2005. Two bids were opened on 12/15/05 and the base bid ranged from a high of \$4,999,000 million to \$3,866,025. Affholder, Inc. submitted the lowest base bid and has offered a deductive change order contingent upon bid award. HMB has performed reference and performance checks as part of their recommendation process.

HMB Engineers recommends that the City award the contact to the lowest responsible bidder, Affholder, Inc., in the amount of \$3,866,025 (actual base bid) contingent upon the execution of a change order to include deductive alternate no. 1 (6'X6' cast iron sluice gate) in the amount \$70,000 and remove the Clinton Street road replacement in the amount of \$66,000 thereby reducing contract amount to \$3,730,025.

Site construction is slated for March 2006 and will include the construction of 800' of eight-foot diameter tunnel, 320' of 72" reinforced concrete pipe, 225' of concrete box culvert, and one gate closure. HMB anticipates that the project length will be approximately nine (9) months.

The East Main Outlet Project is part of a multi-pronged solution recommended by the design engineer, HMB Inc. The design engineer recommended a combination of several alternatives that were considered during the planning, engineering and public meeting stages undertaken on this project. The Jones Run Upgrade and the East Main Outlet Project are two of the three recommended projects. The remaining phase is the Holmes Street storm sewer separation project.

Financial Analysis: Funds are available in the 1997 Bond Issue and the Commonwealth of Kentucky's Holmes Street Drainage direct authorization for this project.

Recommendations: Approval

Attachments:

- Contract Agreement
- Change Order

Contact Person

Name: Jeff Hackbart
Title: Director
Department: Public Works
Phone: 502/875-8563
E-mail: jhackbrt@fewpb.com

9. NEW BUSINESS

9.1 Authorization to approve the 2004-2005 Annual Audit for the City of Frankfort. (Finance Department)

Purpose: To consider the 2004-2005 Annual Audit for the City of Frankfort as prepared by Larry T. Williams, CPA.

Background: The 2004-2005 Annual Audit has been completed and was presented to the Board at the 1-12-06 Work Session.

Financial Analysis: Funding in the amount of \$17,000 is allocated in General Fund Account 10.53220 and \$8,000 is allocated in Sewer Account 68.53220 for a total payment to Larry T. Williams of \$25,000.

Recommendation: Approval.

Attachments: Audit previously provided

Contact Person:

Name:	Steve Dawson	James C. Rogers
Title:	Director	Consultant
Department:	Finance	
Phone:	502/875-8500	502/875-8505
E-mail:	Sdawson@fewpb.com	Jrogers@fewpb.com

- 10. CITIZEN COMMENTS (Non-agenda items)**
- 11. COMMISSIONER COMMENTS**
- 12. ADJOURNMENT**